

REMARKS

Claims 1 - 7 were pending in this application, previously amended on February 2, 2007, where entry of said amendments and consideration of arguments presented therewith has been requested as part of this RCE.

In this amendment, Claim 7 has been cancelled and new claims 8 - 11 have been added. Support for the new claims may be found specifically in paragraphs 0050 through 0052 and in **FIGS. 16 - 19** of the specification, which clearly illustrates the tubular sleeve transitioning in diameter to the larger conical neck transitioning in diameter to the still larger hollow head. As MPEP 608 permits the Applicant to rely on the drawings in providing a descriptive basis for the amendments, Applicant respectfully requests allowance of the present application in view of the foregoing amendments and the following remarks.

Arguments previously submitted on February 2, 2007 are incorporated herein by reference. With respect to new claims 8 - 11, Applicant submits that Hernandez does not show or suggest a conical neck portion that "extends into the top opening of the ventilation pipe and allows the neck to rest atop the top opening of the ventilation pipe achieving a *gravity operable low tolerance fit*". Hernandez describes, instead, a tight fitting pipe engaging section 14 having a circumferential bead 16 or circumferential shoulder 16' (approximately 1/2 inch) to prevent the tubular base member 12 from slipping into the vent pipe. As clearly shown in Hernandez' drawings and described in the patent, the size tolerance (i.e., the ability to use the device 10 with wide range of pipe diameters) would be extremely limited (or non-existent) because of the small size of the bead/shoulder and the tight fit of the base in the pipe. On the other hand, the plug of the present invention would be capable of being used with pipes ranging in diameter from the small diameter of the tubular sleeve to the large diameter of the hollow head and every diameter in between, because the conical neck of the plug rests on the pipe opening.


Thus, independent claims 1 and 8 are patentable over Hernandez and the prior art of record. In view of the patentability of the independent claims, it is also submitted that all of their dependent claims, that recite yet further distinguishing features, are also patentable. These dependent claims require no further discussion herein.

Conclusion

In view of the remarks provided herein, it is submitted that all of the claims are patentable over the prior art. Accordingly, a Notice of Allowance is respectfully requested in due course. Should any further informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

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